

**MINUTES
BOARD OF ADJUSTMENT
PUBLIC HEARING
December 8, 2011**

The Lake County Board of Adjustment met on December 8, 2011 in the Commission Chambers on the second floor of the County Administration Building in Tavares, Florida to consider requests for variances and any other petitions that may be submitted in accordance with Chapter XIV of the Lake County Land Development Regulations.

Board Members Present:

Donald Schreiner, Chairman
Mary Link Bennett, Vice Chairperson
Marie Wuenschel
Bob Peraza

Board Members Absent:

Christopher Cheshire
Lloyd M. Atkins, Jr.

Staff Present:

Anita Greiner, Chief Planner, Planning & Community Design Division
Donald P. Simmons, Planner, Planning & Community Design Division
Aziza Bryson, Public Hearing Coordinator, Planning & Community Design Division
Melanie Marsh, Deputy County Attorney

Chairman Schreiner called the meeting to order at 1:00 p.m. He noted for the record that there was a quorum present. He confirmed Proof of Publication for the case as shown on the screen. He added that if a variance is approved, the owner/applicant should give staff at least 24 hours before proceeding to the zoning counter to finalize their paperwork.

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Minutes

MOTION by Mary Link Bennett, **SECONDED** by Robert Peraza to **APPROVE** the November 10, 2011 Board of Adjustment Public Hearing minutes, as submitted.

FOR: Bennett, Peraza, Wuenschel, Schreiner

ABSENT: Cheshire, Atkins

AGAINST: None

MOTION CARRIED: 4-0

Opening Remarks

Anita Greiner, Chief Planner, stated that there were no changes to the agenda.

Consent Agenda

CASE NO.: BOA #14-11-4 **AGENDA NO.:** 1

OWNER/APPLICANT: Edwin A. Colon

There was no one who wished to speak regarding the above consent agenda item.

MOTION by Mary Link Bennett, **SECONDED** by Robert Peraza to **APPROVE** the consent agenda with conditions as submitted by staff.

FOR: Bennett, Peraza, Wuenschel, Schreiner

ABSENT: Cheshire, Atkins

AGAINST: None

MOTION CARRIED: 4-0

Regular Agenda

CASE NO.: BOA #15-11-5 **AGENDA NO.:** 2

OWNER/APPLICANT: Stanley & Leoni Van Der Burgh/Jon Penny

Paul Simmons, Planner, presented the case. Showing an aerial of the property, he explained that the owners are requesting a variance to allow a detached garage in front of the existing single-

family dwelling unit. After a review by staff of the required findings, Mr. Simmons explained that the owners have not submitted proof of meeting the intent of the Code, have not shown proof of a substantial hardship, or shown that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis, Mr. Simmons stated that staff recommended denial of the variance request.

Jon Penny, the Applicant, stated that the owners would like to maintain the current appearance of the property. He stated that if the Recreational Vehicle (RV) is moved to the areas that staff suggested, the RV would be in front of the neighbor's front door or it would block the neighbor's view of the lake. He also mentioned that it would be very difficult to park the RV in the proposed areas and that a concrete driveway would need to be constructed which would be a financial hardship for the owners. He then pointed out that there is a 1000 gallon propane tank and a well that would create an obstacle for parking the RV in the proposed areas.

Mary Link Bennett, a Board member, asked with the distance across the property, if the RV could be parked on the backside of the well. Mr. Penny answered that parking the RV in that area would create problems when pulling the boat in or out or when trying to mow the back pasture. He also stated that it would create an eyesore for the neighbors.

Marie Wuenschel, a Board member, stated that she would hate to deny the request especially because there were neighbors present who did not object to the current parking place of the RV and because of the rural zoning.

Donald Schreiner, Chairman, asked staff if there had been any complaints in regards to the request. Mr. Simmons answered that besides the anonymous code enforcement complaint, there were no other complaints. Melanie Marsh, Deputy County Attorney, cautioned the Board about considering a code enforcement case.

Bobby Grinstead, neighbor to the north, stated that the current location of the structure is the very best location from his standpoint. He pointed out that should the structure be moved to any other location, it would significantly impact their view of the lake and would greatly affect their property.

Ms. Wuenschel asked the applicant what would happen if the RV should be sold. Mr. Penny responded that the structure would come down, as there would be no reason to keep it up.

MOTION by Robert Peraza, SECONDED by Marie Wuenschel to APPROVE BOA#15-11-5, with any conditions of staff.

Ms. Marsh clarified for the record that should the variance be approved, there is nothing requiring the structure to be removed if the RV is sold.

FOR: Peraza, Wuenschel, Schreiner

ABSENT: Cheshire, Atkins

AGAINST: Bennett

MOTION CARRIED: 3-1


Closing Remarks

Ms. Greiner informed the Board that a new member, Craig Covington, was approved by the Board of County Commissioners and would be starting in January.

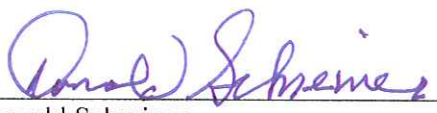
Adjournment

There being no further business, the meeting was adjourned at 1:22 p.m.

Respectfully submitted,



Aziza Bryson
Public Hearing Coordinator



Donald Schreiner
Chairman